

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Eliseo Santos,

Plaintiff,

v.

The State of South Carolina,

Defendant.

C/A No. 6:24-cv-1712-SAL

ORDER

Eliseo Santos (“Plaintiff”), proceeding pro se and in forma pauperis, filed this action against Defendant, the State of South Carolina (“Defendant”). On April 30, 2024, United States Magistrate Judge Kaymani D. West issued an order notifying Plaintiff that his complaint was subject to summary dismissal due to a lack of sufficient factual allegations to state a claim and giving Plaintiff until May 14, 2024, to amend or otherwise cure the deficiencies. [ECF No. 17.] On May 31, 2024, after receiving no response from the Plaintiff, Judge West issued a Report and Recommendation (“Report”) pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) recommending that this action be summarily dismissed without prejudice in accordance with Fed. R. Civ. P. 41(b). [ECF. No. 23.] Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 6. Plaintiff has not filed objections, and the time for doing so has expired.

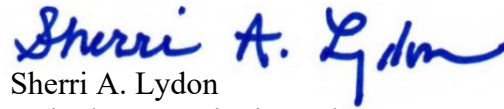
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 23, and incorporates it by reference herein. As a result, this matter is **SUMMARILY DISMISSED without prejudice** pursuant to Fed. R. Civ. P 41(b).

IT IS SO ORDERED.

July 11, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge